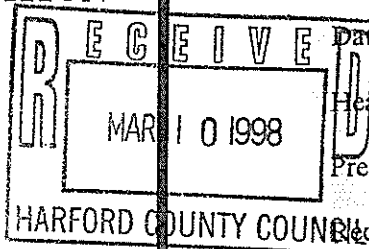


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014



Case No. 084 (ARCEH 208)

Date Filed 3-3-98

Hearing Date _____

Pre-Conf. _____

Receipt _____

Fee \$800⁰⁰

Shaded Area For Office Use Only

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Morning Brook, LLC Phone Number _____

Address P.O. Box 470 Fallston, Maryland 21047
Street Number Street State Zip Code

Property Owner See Above. Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street State Zip Code

Robert S. Lynch, Esq. & Lawrence F. Kreis, Jr., Esq.
Attorney/Representative Stark and Keenan, P.A. Phone Number (410) 838-5522/879-2222

Address 30 Office Street Bel Air Maryland 21014
Street Number Street State Zip Code

Hearing: 6/1/98

Land Description

Address and Location of Property (with nearest intersecting road) Southeast Side of Intersection of
Rt. 165 and Morse Road

Subdivision N/A Lot Number _____ Acreage/Lot Size 30 Election District 04

Existing Zoning AG Proposed Zoning RR Acreage to be Rezoned 30

Tax Map No. 39 Grid No. 1D Parcel 208 Deed Reference _____

Critical Area Designation N/A Land Use Plan Designation Rural Residential

Present Use and ALL improvements: Vacant

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) Rural Residential

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No If yes, describe: _____

Estimated Time Requested to Present Case: Three (3) Hours.

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

MORNING BROOK, LLC
PARCEL NO.: 208

(b) (1) The Applicant maintains that there is a mistake as to the existing AG zoning. The subject property as shown on the 1996 Land Use Element Plan and Land Use Map is designated "Rural Residential". (See attachment (b) (1) Land Use Map & Key). The property has frontage on Morse Road, which connects to Md. Rt. 165 which is an arterial road. The current AG zoning is not consistent with the Master Plan, and given the major residential development that has occurred since 1989, the Agricultural character of the neighborhood has changed. At the time of the 1989 Comprehensive Rezoning, Harford County failed to zone the property to a Rural Residential classification that would be consistent with the Master Plan and the neighborhood.

(2) Since the last Comprehensive Rezoning in 1989, there have been numerous changes in the neighborhood. Since 1989, the Morning Brook subdivision has been constructed on lands immediately adjacent to the subject property. Extensive residential development has also occurred primarily to the North, West and South of the subject site.

(c) The proposed reclassification of the property to an RR zoning classification use is consistent with the 1996 Land Use Element Plan and Land Use Map (See attachment (b) (1)).

(d)

(1) See attachment (d) (1).

(2) The rezoning of this property to Rural Residential would result in the development of a Rural Residential Development

of single family homes similar to what has already been constructed in the neighborhood.

(3) Neighborhood: The neighborhood is defined as the area bordered by Rt. 152 to the West; Charles Street and the West Branch of Winters Run to the South; High Point Road to the East and Jarrettsville Road to the North. (See attachment (d)(3)).

(4) See attachment (d)(3).

(5) There are not Capital Improvement projects identified in the FY1997-1998 C.I.P. for this area.

(e) Rezoning in the neighborhood: None.

(f) See attachment (d)(1).

(g) See attachment (d)(g)

(h) None

(i) None

(j) Private water and private septic system

Comprehensive Zoning Log

10/2/97

Issue #	Date	C P C	Tax ID #	Map #	Grid	Parcel #	Property owner	Property location	Acres of parcel	Acres to rezone	CZ	RZ	PAB	P-Z	C-C
B033	10-11-96	JJ	01050451	652A	780		John & Barbara Jones	NS Rt. 7 E of Faber Rd.	1.31	1.31	R1	CI	LI		LI
B034	10-11-96	JJ	01050443	652A	832		John & Barbara Jones	608 Old Philadelphia Rd Joppa	1.18	1.18	R1	CI	LI		LI
B035	10-11-96	JJ	01020943	652A	22		Virginia Gate & David Evans	NS Rt. 7 N of Joppa	14.724	14.724	R1	CI	LI		LI
B036	10-11-96	ARE	01019554	562C	60		Caddie Holmes (Heron Dahm)	W S Rt 24 Emmorton	48.045	46.545	R4 & R3	B3	R4 & R3		R4 & R3
B037	10-11-96	F	03052591	553D	171		William & Catherine McAllister	1813 Belair Rd S of Benson	22.33 (AG, CI)	21	AG	CI	AG	AG	AG
B038	10-11-96	F	04082052	391D	38		Morning Brook LLC (Michael Zullo)	1751 Morse Rd. E of Putnam	122.2	122.2	AG	RR	AG	AG & RR	RR
B039	10-11-96	F	04005201	391D	208		Morning Brook LLC (Michael Zullo)	Morse Rd. E of Putnam	30	30	AG	RR	AG	AG	RR
B040	10-11-96	F	03063917	483D	68		Profil, Inc. (Virgil Profil)	ES Waterville Rd. N of Fallston	114.377	114.377	AG	RR	AG	AG	RR & AG
B041	10-11-96	JJ	01027018	653B	443		701 Pulaski Gn Pk. (Mervyn Thompson)	E S Oak Avenue	300 X 550	300 X 550	R1	B3	R1		R1
B042	10-11-96	JJ	01027026	653B	434		701 Pulaski Gn Pk. (Mervyn Thompson)	E S Oak Avenue	300 X 550	300 X 550	R1	B3	R1		R1
B043	10-11-96	ARE	01188062	563E	565, lot 1		David S. Eng	2512 Laurel Bush Road	1.25	1.25	R1	R3	R1		R1
B044	10-11-96	ARE	01188054	563E	565, lot 2		David S. Eng	2510 Laurel Bush Road	.50	.50	R1	R3	R1		R1
B045	10-11-96	F	03174352	554C	420		Lonnie Carter	3000 Bel Air Rd	5.009	5.009	AG	B3	AG		AG
B046	10-11-96	F	03032248	541E	11		Helen Breaden	1614 Laurel Brook Rd Fallston	47.8	47.8	AG	RR	AG		AG
B047	10-11-96	F	03059936	481A	4		Fallston Valley Farms (Joseph Diagati)	1415 Ryan Rd Fallston	139.3	139.3	AG	RR	AG		RR
B048	10-11-96	F	03033643	541E	12		Est. of Charles L. Canedy	1600 Laurel Brook Rd	57.497	57.497	AG	RR	AG		AG
B049	10-11-96	F	03055477	482B	6		Harry & Ann O'Neill	1800 Angleside Rd Fallston	50.95	50.95	AG	RR	AG		RR
B050	10-11-96	BF	03273423	404D	55		Colgate Investments (Howard Kildin)	1701 Grafton Shop Rd	161.477	161.477	AG	RR	AG		RR
B051	10-11-96	F	03049671	474E	224		Cornelia Lacoste	1717 Laurel Brook Rd	29	29	AG	RR	AG		AG
B052	10-11-96	F	03052222	541F	16		William & Helen Martin, Angela	2700 Laurel Brook Rd	172.22	58	AG	RR	RR		RR
B053	10-11-96	F	04079140	392A	135		Marisa George & Susan Thoupas	2228 Rutledge Rd	16.484	16.484	AG	RR	AG		AG
B054	10-14-96	ARE	01030418	611F	32		Vernon R. Patton	3029-31 Abingdon Rd	.96	.96	R2	B3	R2		R2
B055	10-14-96	F	04004469	383F	81		Hazel Bayne & Joanne Bayne Trotter	2352 Engle Rd Fallston	30.51	30.51	AG	RR	AG		AG
B056	10-14-96	JJ	01005790	613A	495		T. C. Simon (Robert Cooper)	2216-2218 Old Mountain Rd	1.651	1.651	AG	CI	AG		AG